

AN ORDINANCE **97909**

APPROVING THE FULL AND FINAL SETTLEMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND MARIA P. GOVEA AND MARIA GOVEA AGUILLON, FOR A 0.020 ACRE OF LAND IN FEE SIMPLE AND A 0.067 ACRE TRACT TEMPORARY EASEMENT OUT OF LOT 69, BLOCK 2, N.C.B. 11966, CITY OF SAN ANTONIO, BEXAR COUNTY, IN THE TOTAL AMOUNT OF \$5,438.00 FROM 1985 G.O. DRAINAGE IMPROVEMENT BOND FUNDS IN CONNECTION WITH THE WESTERN AVENUE DRAINAGE PROJECT #74, PHASE III B & C, LOCATED IN COUNCIL DISTRICT 9; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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WHEREAS, the City of San Antonio filed an eminent domain action styled and numbered as Condemnation Cause No. 97-ED-0011, *City of San Antonio vs. Maria P. Govea and Maria Govea Aguillon, Et Al* to obtain a fee simple interest in 855 square feet (0.020 acres) of land, and a temporary easement of 2,902 square feet (0.067 acres) of land, out of Lot 69, Block 2, N.C.B. 11966, Rolling Acres Subdivision of Record in Volume 980, Page 339 of the Plat Records of Bexar County, Texas, as more fully described in **Exhibit A** incorporated herein; and

WHEREAS, Maria P. Govea and Maria Govea Aguillon, et al and the City of San Antonio ("City") previously reached an agreement whereby Maria P. Govea and Maria Govea Aguillon, et al consented and agreed to allow the City, as well as any affected utility system providers, their employees, agents, contractors and assigns the right to enter upon and take possession of the Property upon the payment of \$10.00, which amount is not to be a part of the total settlement amount of \$5,438.00; and

WHEREAS, prior to the Special Commissioners Hearing, a settlement of all claims and disputes was reached between the two parties; and

WHEREAS, as part of the settlement between the parties, the City has agreed to compensate Maria P. Govea and Maria Govea Aguillon, et al, a total amount not to exceed \$5,438.00 for fee simple taking of the property and one temporary easement out of Lot 69, Block 2, N.C.B. 11966 Rolling Acres Subdivision, San Antonio, Bexar County, Texas; and

WHEREAS, funds in the amount of \$5,438.00 are available to pay for this settlement agreement; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

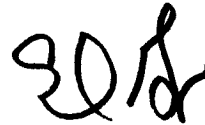
SECTION 1. That the settlement of all claims and disputes between the parties in Condemnation Cause No. 97-ED-0011 for the total sum of \$5,438.00 is hereby approved. A copy of the settlement agreement is attached hereto and incorporated herein as **Exhibit B**.

SECTION 2. The amount of \$5,438.00 is hereby appropriated in Fund No. 45-506464, 1985 General Obligation Drainage & Flood Control Bonds in Index Code 561902, entitled "Purchase of Land", and is authorized to be encumbered and made payable to **Lawyers Title Company of San Antonio** as escrow agent for Maria P. Govea and Maria Govea Aguillon, et al for fee simple title and temporary easement to the Property to be acquired by the City.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 4. This ordinance shall take effect on the 17th day of August, 2003.

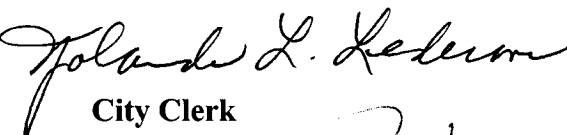
PASSED AND APPROVED this 7th day of August, 2003.



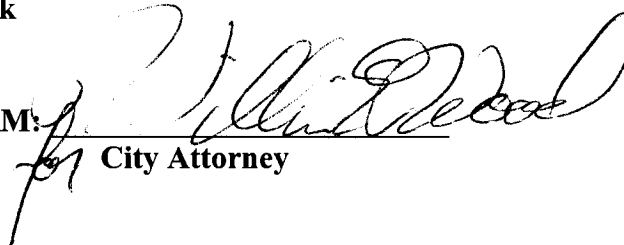
M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney